HON'BLE SRI JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.14994 of 2007

Date: 19-07-2007.

Between :

M/s.Mayukh Techno Enterprises, Hyderabad,
rep. by its Partner.

.....Petitioner

And

The Appellate Deputy Commissioner (CT),
Panjagutta Division, Hyderabad & another.

.....Respondents.

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AND
HON'BLE SRI JUSTICE S.ANANDA REDDY

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ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The grievance of the petitioner is that his appeal was rejected on the sole ground that he had not paid 12.5% of the disputed tax which is a condition precedent for filing the appeal. It is also submitted that the appeal was rejected on the ground that the petitioner had not furnished the proof of having paid the admitted tax. It is submitted by the learned counsel for petitioner that both these conditions had been complied with. He had paid the 12.5% of the disputed tax and also paid the admitted tax, but still the appeal was rejected. On instructions, the learned Government Pleader submits that 12.5% of disputed tax had been paid and also the admitted tax had been paid, but because of communication gap, the authority concerned passed the order.

In this view of the matter, the order impugned, dated 01.07.2006 passed by the 1st respondent is set aside. The appeal is restored. The Appellatle Deputy Commissioner concerned may now hear the appeal on merits and dispose it of.

Writ petition is accordingly allowed. No costs.

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BILAL NAZKI, J

19th July 2007

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S. ANANDA
REDDY, J

ajr